REMARKS

Claim 25 is cancelled herein. Claim 22 is amended herein. Claims 18-24 remain pending in the Application.

Rejections under 35 USC 103(a)

Claims 18-21 and 22

In the Office Action, the Examiner rejected Claims 18-21 and 22 under 35 USC 103(a) as being unpatentable over AMD's AM79C830 FORMAC Plus as described in "The SUPERNET 2 family for FDDI- 1991/1992 World Network Data Book" (the publication) (Prior art submitted by Applicant in parent application file 09/028,088), and further in view of Metcalfe et al. (4063220) and Kalwitz (5696899). Applicant has reviewed the publication and respectfully asserts that the claimed embodiments of the present invention are not obvious in view of the publication for the following rationale.

Applicant respectfully states that Independent Claim 18 recites the feature "Ethernet control circuitry." As the Examiner has stated, the publication does not teach Ethernet control circuitry. However, the Examiner has stated that it would be a design choice to replace the FDDI with Ethernet control circuitry. Moreover, the Examiner has utilized in re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) to state that the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

Applicant respectfully disagrees with the Examiner's combined teachings since as the Examiner has stated, the publication does not teach Ethernet control circuitry. Instead, the publication teaches a Fiber Distributed Data Interface (FDDI) which provides network services at the **same level** (emphasis added) as Ethernet.

Applicant respectfully states that there is therefore no suggestion or motivation in the publication to modify any portions of the described FDDI with Ethernet control circuitry. Applicant respectfully refers the examiner to In re Bruce Beasley (Fed. Cir. December 7, 2004) (04-1225 Unpublished Opinion) finding that: the record reflects that the examiner and the Board have managed to find motivation for substituting one type of memory for another without providing a citation of any relevant, identifiable source of information justifying such substitution. The statements made by the Examiner, upon which the Board relied, amount to no more than conclusory statements of generalized advantages and convenient assumptions about skilled artisans.

Additionally, Applicant respectfully states that Kalwitz further proves the competitive and distinct nature of the two network variations supporting the distinct nature of each network and the lack of motivation to combine one to another. That is, since the networks are in competition, it is not simply a matter

of picking a good aspect of one network and assuming without motivation or teaching that the good aspect can simply be placed into the second network. Evidence of this type of non-combination limitation is well known including Windows OS versus Mac OS, VHS versus Beta, and the like.

Kalwitz provides evidence against the utilization of one method for operating over any type of network when Kalwitz teaches a method for determining the format of data packets carried on a local area network, wherein the network are preferably Ethernet or Token Ring connections. That is, Kalwitz teaches that the two network types have different principles of operation and has addressed them accordingly. In addition, Kalwitz does not address the other features of Claim 18 such as the features of, "data receive control circuitry responsive to said Ethernet control circuitry and coupled to said transceiver, to said receive data buffer, and to said host interface, for storing data received by said transceiver in said receive data buffer, and for generating a receive interrupt signaling to said host computer that data has been received by said transceiver, wherein said data receive control circuitry is operative to generate a receive interrupt once said transceiver has received over said communications media a predetermined number of bytes of a data packet less than all of said data packet."

With respect to Metcalfe et al., Applicant respectfully states that Metcalfe et al. also further proves the competitive and distinct nature of the two network variations. That is, Metcalfe et al., as the Examiner has stated, teaches standard Ethernet control circuitry without mentioning an FDDI network. Therefore, Applicant again shows no motivation or teaching by a cited art source to mention or render obvious the utilization of any portions of the Ethernet control circuitry network in an FDDI network. That is, there is no motivation or teaching to the cross-compatibility of the two networks. In addition, Metcalfe et al. does not address the other features of Claim 18 such as the features, "data receive control circuitry responsive to said Ethernet control circuitry and coupled to said transceiver, to said receive data buffer, and to said host interface, for storing data received by said transceiver in said receive data buffer, and for generating a receive interrupt signaling to said host computer that data has been received by said transceiver, wherein said data receive control circuitry is operative to generate a receive interrupt once said transceiver has received over said communications media a predetermined number of bytes of a data packet less than all of said data packet."

Therefore, Applicant respectfully states that there is no motivation in the publication alone or in combination with Kalwitz and Metcalfe et al. to modify the teach nor render obvious the present claimed invention as recited in Claim 18

and, as such, Claim 18 overcomes the Examiner's basis for rejections under 35 USC 103(a).

Claims 19 through 21 depend from the allowable Claim 18 and recite further features of the present claimed invention. Therefore, Applicant respect states that Claims 19 through 21 are allowable as pending from an allowable base Claim.

Referring now to Claim 22, Applicant respectfully states that currently amended Independent Claim 22 recites the feature "a host computer employs a driver allowing for early indications and having an early lookahead size, and wherein said step of receiving a predetermined first receive threshold number of bytes comprising receiving a number of bytes substantially equal to said early lookahead size." As the Examiner has stated, the publication does not teach the host employing a software driver allowing for an early indication. Moreover, Applicant does not understand the publication to teach early indications and look ahead size.

In addition, Applicant respectfully states that currently amended Claim 22 includes the additional feature "adjusting said receive threshold according to said length of said packet, continuing to receive from said communications media through said transceiver and store in an adapter receive buffer bytes of said packet, thereafter generating a second early receive interrupt from said

adapter to said host computer, prior to complete reception of said data packet."
Support for the Claimed feature is found throughout the Specification including
page 2 lines 2-15.

The Examiner states that a system having the AM79C830 chip would
have a driver for interface, however, there is no obvious reason why the driver
for interface would have a need for a first and second early indication. In
addition, Applicant agrees with the Examiner statement that the publication and
Firoozman (5210749) do not teach adjusting the threshold. Moreover, Applicant
understands the publication to not mention nor teach receiving a
predetermined first receive threshold number of bytes to a host computer, or
utilizing a second early interrupt to further ensure packet transmittal and
reception. Additionally, there is no teaching of a driver for interface that logic
providing "receiving a number of bytes substantially equal to said early
lookahead size" is needed. Specifically, the publication does not teach nor
render obvious the need for the host to have a lookahead for a predetermined
number of bytes or performing a second early interrupt.

With respect to Bentley et al. (4860193), Applicant respectfully points out
that Bentley et al. does not overcome the shortcomings of the publication,
Kalwitz, and Firoozman. That is, Bentley et al. do not teach or anticipate a
threshold adjustment with a first early interrupt based on a first threshold

number and a second early interrupt prior to complete reception of the data packet.

Therefore, Applicant respectfully points out that the publication neither teaches nor renders obvious the present claimed invention as recited in currently amended Claim 22 and, as such, Claim 22 overcomes the Examiner's basis for rejections under 35 USC 103(a).

Claims 23 and 24 depend from the allowable Claim 22 and recite further features of the present claimed invention. Therefore, Applicant respect states that Claims 23 and 24 are allowable as pending from an allowable base Claim.

Claim 23

In the Office Action, the Examiner rejected Claim 23 under 35 USC 103(a) as being unpatentable over the AM79C830 publication and further in view of Firoozman (5, 210, 749). Applicant has reviewed the publication and Firoozman and respectfully asserts that the claimed embodiments of the present invention are not obvious in view of the publication for the following rationale.

Specifically, Applicant respectfully points out that Claim 23 depends from the allowable Claim 22 and recites further features of the present claimed

invention.. Therefore, Applicant respect states that Claim 23 is allowable as pending from an allowable base Claim.

Claims 24 and 25

In the Office Action, the Examiner rejected Claim 24 and 25under 35 USC 103(a) as being unpatentable over the AM79C830 publication, Kalwitz and Firoozman (5, 210, 749) and further in view of Bentley et al. (4,860,193). Applicant has reviewed the publication, Firoozman and Bentley et al. and respectfully asserts that the claimed embodiments of the present invention are not obvious in view of the publication for the following rationale.

Applicant respectfully points out that Claim 25 is cancelled herein. Therefore, the rejection with respect to Claim 25 is moot.

Applicant respectfully points out that Claim 24 depends from the allowable Claim 22 and recites further features of the present claimed invention. Therefore, Applicant respect states that Claim 24 is allowable as pending from an allowable base Claim.

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 18 through 24.
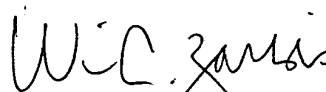
The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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